MONTANA LEGISLATIVE HISTORY

Chapter 131 19 77

Bill H 323 S _____ Original bill & history ___C

H. Committee on Local Gov't			S. Committee on Local Gov't		
Hearing Date(s)	2-2	___C	Hearing Date(s)	3-11	___C
	2-4	___C		_____	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	2-4	___C		3-11	

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

H BILL NO. 323

INTRODUCED BY Harrington Lynch Courtney

A BILL FOR AN ACT ENTITLED: "AN ACT TO PRESERVE EXISTING GARBAGE AND SOLID WASTE SERVICES IN THE EVENT OF ANNEXATION AND PROHIBIT COMPETITIVE OR SIMILAR SERVICE PROVIDED BY THE MUNICIPALITY FOR 3 YEARS FOLLOWING ANNEXATION EXCEPT UPON A PROPER SHOWING THAT EXISTING SERVICE IS NOT ADEQUATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Preservation of existing garbage or solid waste service in the event of annexation. A municipality that annexes or incorporates additional area receiving garbage and solid waste disposal service by a motor carrier authorized by the public service commission to conduct such service may not provide competitive or similar garbage and solid waste disposal service to the area for 3 years following annexation except upon a proper showing to the public service commission that the existing carrier is unable or refuses to provide adequate service to the annexed or incorporated area.

-End-

HB323

INTRODUCED BILL

LOCAL GOVERNMENT COMMITTEE

45th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 123	"An Act to Require Fire Protection Services for Certain State-Owned Buildings and Authorizing Payments for Such Protection."	1-21-77	Sivertsen	1-28-77	DO PASS	2-3-77
HB 314	"An Act to Clarify Provisions Relating to Grants-In-Aid to Counties for General Relief; Requiring a County Which Receives a Grant-in-Aid to Return any Moneys....."	1-21-77	Gould	2-2-77	AS AMENDED DO PASS	2-3-77
HB 323	"An Act to Preserve Existing Garbage and Solid Waste Services in the Event of Annexation and Prohibit Competitive or....."	1-21-77	Harrington	2-2-77	DO PASS	2-8-77
SB 64	"An Act To Raise the Ceiling on the Mill Levy for Cemetery Districts From 2 Mills to 5 Mills; Amending Section ....."	1-21-77	Murphy	2-2-77	BE CONCURRED IN	2-12-77
HB 361	"An Act to Submit to the Qualified Electors of Montana an Amendment to Article XI of the Montana Constitution to Make....."	1-22-77	Day	2-4-77	AS AMENDED DO PASS	2-9-77
HB 428	"An Act to Provide For Minimum Payments to Police Officers, Spouses, and Minor Children Who Were Receiving Payments From Police....."	1-24-77	O'Connell	2-4-77	DO PASS	2-8-77

February 2, 1977

A meeting of the Local Government Committee was called to order by Chairman Robbins at 3:40 P.M. in Room 225. The secretary called roll. All members were present.

HOUSE BILL 323: Representative Harrington, chief sponsor, said the purpose of this bill is to preserve existing garbage and solid waste services in the event of annexation and prohibit competitive or similar service from being provided by municipality for 3 years following annexation except upon a proper showing that existing service is not adequate.

William E. O'Leary, representing the Montana Solid Waste Contractors, Inc., said they requested this and explained when a carrier purchases equipment on projected revenue and should that area be annexed it would be a hardship for the carrier if his services were discontinued.

Other proponents leaving signed witness sheets are as follows:
Max G. Bauer, Montana Solid Waste Association, Missoula
Lester Folvag, Montana Solid Waste Association, Billings
Henry A. Hoye, Montana Solid Waste Association, Columbia Falls
Charles Kelly, Montana Solid Waste Association, Kalispell
Marvin E. Mintyala, Montana Solid Waste Association, Lewistown
F. E. Suhr, Suhr Hauling, Bozeman

There were no opponents to HB 323

Representative Harrington closed on HB 323.

SENATE BILL 64: Senator Murphy, chief sponsor, pointed out this bill will not be needed if House Bill 122 becomes law. If it doesn't, there is at least one community that will need this which allows for an increase from 2 mills to 4 mills the county commissioners can levy on behalf of cemetery districts that are unincorporated areas. Willow Creek is the only community that would want to use this, if passed.

Proponents were:
John G. Buttelman, Willow Creek, said in order to maintain the cemetery like it should be they need more money. As was said this is not mandatory but a permissive levy.

Mary Ellen Jensen, Willow Creek, presented figures showing the amount of money received from the mill levy and explained the need for the additional mills.

HOUSE BILL 314: Representative Gould, chief sponsor, introduced Pat Melby, director of the Department of Social and Rehabilitation Services, who said the bill merely clarifies provisions relating to grants-in-aid to counties for general relief. It requires a county which receives grant-in-aid to return monies remaining in its general relief accounts at the close of the fiscal year. They have had a problem with one county and they pointed out the law does not state they have to return the excess money. Mr. Melby presented an amendment to amend page 4, lines 5, 6, and 7 to delete: ", including but not limited to

HOUSE BILL 459: Representative Palmer made a motion that House Bill 459 DO PASS. Question, motion carried unanimously.

HOUSE BILL 323: Representative South made a motion that House Bill 323 DO PASS. Question, motion carried. Representative Stobie voted NO.

HOUSE BILL 361: Representative Bertelsen moved to adopt amendments proposed by Representative Day - exhibit 11. Question, motion carried. Representative South moved to amend House Bill 361 on page 1, lines 23 through line 1 on page 2, following: "first election." strike: lines 23 on page 1 through line 1 on page 2 in their entirety, and insert: "Approval by a majority of those voting in the decennial election on the question of undertaking a local government review is necessary to mandate the election of a local government study commission." Question, motion carried. Representative Pistoria voted NO. Representative Vinger moved that House Bill 361 DO PASS AS AMENDED. Question, motion carried. Representative Pistoria voted NO.

HOUSE BILL 428: Representative O'Connell moved that House Bill 428 DO PASS. Question, motion carried unanimously.

The meeting adjourned at 5:50 PM.

Respectfully submitted,

Hershel M. Robbins

HERSHEL M. ROBBINS, Chairman

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45th LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
2	1-17-77	1-24-77	1-24-77				1-24-77		
124	2-10-77	3-28-77 2-23-77	3-28-77 3-7-77						3-28-77 3-7-77
314	2-10-77	3-14-77	3-16-77				3-16-77		
238	2-14-77	3-9-77	Judiciary						
323	2-16-77	3-11-77	3-11-77				3-11-77		
459	2-17-77	3-4-77	3-4-77				3-4-77		
361	2-17-77	3-7-77	Without Recommendation 3-7-77						
521	2-21-77	3-18-77	4-6-77					4-6-77	
537	2-21-77	3-23-77	3-28-77				3-28-77		
638	2-21-77	3-4-77	3-28-77 3-4-77 Without Recommendation						
195	2-22-77	3-30-77	4-7-77				4-7-77		
211	2-23-77	3-8-77							
675	2-23-77	3-9-77	Without Recommendation 3-10-77						
720	2-23-77	3-3-77	3-4-77						3-4-77
677	2-25-77	3-18-77	3-18-77				3-18-77		
748	2-25-77	3-25-77	3-23-77						3-28-77
759	2-25-77	3-7-77	3-10-77 3-7-77					3-10-77	3-7-77

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

March 11, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on March 11 at 9:36 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

The following visitors were present: W. E. O'Leary, Montana Solid Waste Contractors Inc.; Roy E. Bennett, City of Billings; Don Lewis, City of Helena; Arthur Van't Hul, City of Bozeman; Mildred Coleman, Plains; Frank Coleman, Plains; Herman Whiemnard, Plains; Eva Spaulding; Glen Drake, League of Cities and Towns.

CONSIDERATION OF HOUSE BILL 323: Representative Harrington, District 88, Sponsor of House Bill 323, stated the bill would allow private carriers to continue for a period of 3 years following annexation to realize their investments. If the private carrier is not providing adequate service, the city may appear before the Public Service Commission, prove the service is inadequate and provide services themselves. Bill O'Leary, Montana Solid Waste Contractors Inc., testified in support of House Bill 323.

Opponents. Glen Drake, League of Cities and Towns, stated the bill needs amending. It is too inflexible as written. Roy Bennet, City of Billings, opposed House Bill 323 (attached). Don Lewis, Sanitation Department, Helena, opposed House Bill 323 stating the bill takes away the right of the people to decide on their own service. He doesn't feel the bill is needed.

House Bill 124. The Chairman placed House Bill 124 in a sub-committee consisting of Senator Thiessen, Senator Peterson and Senator Dunkle.

House Bill 638. The Chairman placed House Bill 638 in a sub-committee consisting of Senator Thiessen, Senator Story and Senator Lockrem.

CONSIDERATION OF HOUSE BILL 417: William O'Leary, Montana Solid Waste Contractors Inc., presented House Bill 417 to the Committee. He stated the purpose of the bill is to establish a Class D Carrier to encompass garbage and refuse carriers.

CONSIDERATION OF HOUSE BILL 418: William O'Leary

stated House Bill 418 takes the term motor carrier and includes specifically garbage and refuse carriers.

Senator Watt moved House Bill 417 be given a "Be Concurred In" recommendation. Senator Dunkle seconded the motion. Motion carried unanimously.

Senator Watt moved House Bill 418 be given a "Be Concurred In" recommendation. Senator Thiessen seconded the motion. Motion carried unanimously.

Senator Dunkle moved House Bill 323 be given a "Be Concurred In" recommendation. Senator Peterson seconded the motion. Motion carried unanimously.

ADJOURN: The meeting adjourned at 10:35.

Senator George McCallum, Chairman

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AMENDMENTS TO HB 323

Page 1, line 6
Following: line 5
Striking: line 6-8
Insert:

"and provide for municipal assumption of service over a period not to exceed 2 years."

Page 1, line 16
Following: service
Strike: lines 16-21
Insert:

"shall negoiate with the carrier ~~and some~~ upon a plan for full municipal assuption of garbage and solid waste disposal service. ~~no later than 2 years after the effective date of annexation.~~"

If no agreement is reached the city shall assume full responsibility for such service ~~within~~ 2 years from the date of annexation.

Gray Bennett - Big
Arden Ware Watt Tuell
Boyle
Van Gord

STANDING COMMITTEE REPORT

March 11 19 77

MR. President

We, your committee on Local Government

having had under consideration House Bill No. 323

Respectfully report as follows: That Local Government Bill No. 323

~~DO PASS~~
BE CONCURRED IN

P.C.

Chairman.

Senator George McCallum,

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 323

INTRODUCED BY HARRINGTON, LYNCH, COURTNEY

A BILL FOR AN ACT ENTITLED: "AN ACT TO PRESERVE EXISTING GARBAGE AND SOLID WASTE SERVICES IN THE EVENT OF ANNEXATION AND PROHIBIT COMPETITIVE OR SIMILAR SERVICE PROVIDED BY THE MUNICIPALITY FOR 3 YEARS FOLLOWING ANNEXATION EXCEPT UPON A PROPER SHOWING THAT EXISTING SERVICE IS NOT ADEQUATE."

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-End-

REFERENCE BILL

HB 323